

September 26, 2022
Sl. No.22
Court No.1
s.biswas

WPA (P) 377 of 2022

Subhas Mondal

vs.

The State of West Bengal and others

Mr. Sagnik Bhattacharyya, Advocate

... for the petitioner

Mr. Jahar Lal De,

Mr. Supratim Dhar, Advocates

... for the State

Mr. Billwadal Bhattacharyya, ld. Dy. S.G.

Ms. Mary Dutta, Advocate

... for the Union of India

Mr. Sirsanya Bandopadhyay,

Mr. Arka Kumar Nag,

Mr. Tirthankar De, Advocates

... for the Bidhannagar Municipal Corporation

Mr. Chayan Gupta,

Mr. Sandip Dasgupta,

Mr. Saaqib Siddiqui,

Mr. Aviroop Mitra, Advocates

... for the WBHIDCO

The allegation in this petition is that the temple of Maa Bono Bibi and Maa Manasa is situated at the field of Bonbheri @ Bongheri of East Kolkata Wetland and that illegal excavation is going on in the area concerned. Therefore a prayer has been made in the petition to restrain the respondents from excavating the field of holly Bonbhery wherein the temple is situated.

Learned counsel for the respondent No.13 (Bidhannagar Municipal Corporation) has informed that earlier also through the same advocate on record on the same cause of action WPA(P) 411 of 2022 was filed, which was dismissed by order dated 30th August, 2022. He submits that even some of the paragraphs of

the petition are same and the representation enclosed with that petition in vernacular language is also the same.

This Court by the order dated 30th August, 2022 had dismissed WPA(P) 411 of 2022 by recording as under:

“Learned counsel appearing for the respondent no.8 has pointed out that this Court on 24th December, 2021 and 4th March, 2022 has issued directions for restoration of the East Kolkata Wetlands. He has submitted that the respondent no.8 i.e. Bidhannagar Municipal Corporation by engaging the contractor is taking steps for restoration of the East Kolkata Wetlands as per the direction of this Court. He has also informed that a sum of ₹1,99,00,000/- is being paid to the contractor for restoration of the wetlands. He has also informed that after passing of the order of this Court several such unfounded petitions are being filed to stall the work of restoration of the East Kolkata Wetlands.

A perusal of the present petition reveals that there is no material enclosed with the petition to show that the alleged temple is an old temple. On the contrary the admitted position is that the said temple is situated at East Kolkata Wetlands area.

Hence, we find that there is no sufficient material existing on record to interfere in the present matter. That apart, the plea which is taken by the respondent no.8 and the earlier orders of this Court which have been pointed

out by the learned counsel for the respondent no.8 also make it clear that there is no requirement of any interference in the present petition.”

Having regard to the reasons already mentioned in the earlier order, we do not find any ground to entertain the present petition, which is accordingly dismissed.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)